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| 09/828,226      | 04/09/2001  | Kevin A. McIntyre    | 3598-2              | 5634             |

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EXAMINER

FELTEN, DANIEL S

ART UNIT PAPER NUMBER

3624

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/828,226

Applicant(s)

MCINTYRE, KEVIN A.

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9-21 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-21 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Status of Claims*

1. Receipt of the Amendment filed May 04, 2005 amending claims 1, 13, 14, 17 and 25 is acknowledged. The supplemental remarks filed June 07, 2005 regarding the 35 U.S.C. § 103(a) rejection using of Sundaresan (US 6,868,400) as the primary reference has also been considered. Claims 1, 2, 4-7,9-21 and 25-30 remain pending in the application and are presented to be examined upon their merits.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1, 2, 4-7,9-21 and 25-30 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-7,9-21 and 25-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Rickard et al (US 6,112,189)

*As per claims 1, 2, 9-14, 17 and 25*, Rickard discloses receiving a lower limit price for a product from a seller (*offering party*), the buyer being unaware of the seller's lower limit price (see Rickard, fig. 13, Abstract, col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7,

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lines 28-33; and col. 8, lines 10-19)

--receiving an upper limit bid for the product from the buyer, the seller being unaware of the buyer's upper limit bid ; (see Rickard, fig. 13, Abstract, col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7, lines 28-33; and col. 8, lines 10-19),

--comparing the seller lower limit price and the buyer upper limit bid (see Rickard, fig. 13, Abstract, "*joint degree of satisfaction*" or "*mutual degree of satisfaction*", col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7, lines 28-33; and col. 8, lines 10-19)

--if an overlap region exists between the seller lower limit price and the buyer upper limit bid, setting a maximum point for the product with the overlap region that is based on the lower limit

and the upper limit bid (see Rickard, fig. 13, Abstract, col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7, lines 28-33; and col. 8, lines 10-19)

Rickard disclose a maximum point but fails to disclose a price point per se. Since the maximum point is related to mutual satisfaction and that one of the parameters for mutual satisfaction is price for a trades security, it would have been obvious for an artisan within the ordinary skill in the art at the time of the invention to incorporate price as one of the variables that the system would use to determine the negotiations between parties (particularly when trading securities). Thus an artisan at the time of the invention would employ such a variable

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being a notoriously old and well known negotiable feature which is conventionally used within the art. Thus a feature would have been an obvious expedient to one of ordinary skill in the art.

*As per claim 26*, if the overlap region does not exist, between the seller lower limit and buyer upper limit further processing the transaction according to predefined parameters (see Rickard, fig. 13, Abstract, col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7, lines 28-33; and col. 8, lines 10-19),

*As per claims 4-7*, (see Rickard, fig. 13, Abstract, col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7, lines 28-33; and col. 8, lines 10-19)

*As per claim 15*, additionally receiving an expiration relating to the product and by receiving a lower limit price range from the seller that varies with time to the expiration (see Rickard, fig. 13, Abstract, col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7, lines 28-33; and col. 8, lines 10-19)

*As per claim 16*, is practiced by additionally receiving and expiration relating to the upper limitation bid and by receiving an upper limit bid and by receiving an upper limit bid range from the buyer that varies with time to the expiration (see Rickard, fig. 13, Abstract, col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7, lines 28-33; and col. 8, lines 10-19)

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*As per claim 18*, compiling a database of information relating to sellers, buyers, products and price points (see Rickard, fig. 13, Abstract, col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7, lines 28-33; and col. 8, lines 10-19)

*As per claims 27-30*, comprising compiling a database of information relating to sellers, buyers, products and price points (see Rickard, fig. 13, Abstract, col. 2, lines 60-65; col. 3, lines 12-53; col. 6, lines 4-18; col. 7, lines 28-33; and col. 8, lines 10-19)

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742.

The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF  
September 18, 2005

Daniel S Felten  
Examiner  
Art Unit 3624

**VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**

